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MEMORANDUM FOR THE RECORD

SUBJECT: Board of Inquiry - Francis Gary Powers

1. In a discussion with me on 7 March, Dr. Louis W. Tordella, Deputy Director, National Security Agency, said he wished to make a few observations about the functioning of the Board of Inquiry in the Francis Gary Powers case. He was particularly concerned about the reason for NSA having been involved in any aspects of the inquiry. It seemed to him and to the NSA personnel who accompanied him that the markedly hostile nature of much of the questioning indicated that the Board had already decided on a course of action which was not supported by the NSA produced materials. I agreed with Dr. Tordella that some of the questioning seemed hostile in nature but that I could assure him that the Board itself had at no time been hostile to NSA and had not at that time made any decisions in the case. The Board was faced subsequently with the question of making a decision based on the evidence before it and after weighing all the factors rejected the NSA evidence.

2. Dr. Tordella said he did consider that the Board arrived at the "best" decision, best in the sense that the interests of the United States were least jeopardized, and said he considered it not to be within his province to discuss the legal processes employed by the Board.

3. I said I would be glad to make a record of his views and file it with the Board's report.

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OGC:LRH:jeb

Distribution

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LAWRENCE R. HOUSTON
General Counsel

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OGC Has Reviewed

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27 February 1962

The Honorable John A. McCone
 Director of Central Intelligence
 Washington, D. C.

Sir:

The Board of Inquiry constituted by you February 19, 1962,
 in the case of Francis Gary Powers, composed of the three
 undersigned members, submits its report.

The duties assigned to the Board by you were: "to determine
 whether in the light of all the ascertainable circumstances Powers,
 having been dispatched on a mission which ended with him in the
 custody of the Soviet authorities, acted in accordance with the
 terms of his employment, and instructions and briefings pursuant
 thereto, from the time he started the mission until his release.
 The Board will also consider whether Powers complied with his
 obligations as an American citizen during this same period."

Immediately upon designation, the Board met, beginning
 the morning of February 19, and was in session throughout the
 day each day until the evening of February 24. The Board has had
 before it:

Document No. _____

No Change in Class. Declassified

Class. Changed to: TS (S) C

Next Review Date: _____

Auth.: HR 70-3

Date: 10-3-91

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- (1) a booklet entitled "The Trial of the U-2," published by Translation World Publishers, Chicago, 1960, containing an introduction by Harold J. Berman, the full text of the indictment of Francis Gary Powers in the Soviet Union, and a purported transcript of his trial, conviction, and sentence;
- (2) a transcription from a taped recording of the debriefing of Mr. Powers upon his return to the United States February 11, representing the contents of 16 tapes made from February 13 through February 20. This debriefing was by a team composed of representatives of this Agency and of other Government experts officially interested in the incident;
- (3) the oral testimony of the witnesses listed in Attachment A hereto attached;
- (4) Mr. Powers in person, who appeared and testified at some length.
- (5) a sound motion picture in color of the development, testing, and performance of the U-2 entitled, "The Inquisitive Angel";

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- (6) a sound motion picture released by official Russian authorities depicting the trial of Powers in Moscow;
- (7) numerous exhibits listed in Attachment B hereto attached.

A stenographic report of the proceedings of the Board was made. An index of the material submitted to the Board has been made by topics. The report of the proceedings, all supporting material, and the index have been deposited with the Office of the General Counsel of the Agency and are available for use. (The index will make it possible to examine fully and without undue difficulty or delay all the material submitted to the Board concerning any particular item or event.)

The Board has not attempted to make detailed findings of fact in respect to the many events which comprised the incident under study. It has formulated conclusions and will state the general bases upon which these conclusions rest. The evidence can be ascertained by reference to the documents deposited with the General Counsel.

Insofar as the incident concerns events which transpired prior to the time Powers took off from [redacted] on May 1, the

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testimony of many persons and much documentary material are available. The nature of the mission and Powers' qualification, training, and briefing for it are established without contradiction. Evidence as to what occurred at the trial of Powers in Moscow is readily available since the trial was public and representatives of the world press and identifiable American observers were present.

Proof of events which occurred between the time Powers took off from [redacted] and the time when he appeared for trial in Moscow depends upon the statements of Powers himself plus some ancillary information. If his account is correct, the Board is of the opinion that in the light of the circumstances, he acted in accordance with the terms of his employment and his instructions and briefings pursuant thereto, and complied with his obligations as an American citizen during this same period.

Thus, a conclusion must be reached as to whether Powers did in fact give a true account of these events. This phase of the matter has been intensively and repeatedly tested since Powers returned to this country. He has repeatedly related his account and there is no substantial deviation at any point in his several

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recitations. Several considerations are pertinent and material to a conclusion as to his truthfulness.

In the first place, Powers was interrogated, as the record will show, for many days consecutively by a debriefing team of experienced interrogators. The objective of this team was in part to ascertain from Powers his account of these events, but at the same time, and intensively, to ascertain whether or not he was being truthful in what he was telling the interrogators.

All the members of this team are experienced experts in this latter phase of interrogation, i.e., to evaluate credibility. They express the unanimous view that Powers was truthful in his account. In the second place, an intensive inquiry was made by Government officials into the background, life history, education, conduct, and character of Powers in order to formulate a judgment as to whether he was inherently truthful. This team included doctors, specialists in psychiatry, a psychologist, personnel officers, his colleagues in the Air Force and on this Project, including his Commanding Officer at [redacted] All these persons were of the view that Powers was inherently and by practice a truthful man.

In the third place, Mr. Powers appeared before this Board and

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testified both directly and under cross-examination in excess of two hours. The Board is agreed in its view that in this appearance he appeared to be truthful, frank, straight-forward, and without any indicated attempt to evade questions or to color what he was saying. He seemed to become relaxed and, in our judgment, reflected an attitude of complete candor. In the fourth place, when, during his examination before the Board, a question was raised as to the accuracy of one of his statements, he volunteered with some vehemence that although he disliked the process of the polygraph, he would like to undergo a polygraph test. That test was subsequently duly administered by an expert. He was examined on all of the factual phases which the Board considered critical in this inquiry. The report is that he displayed no indications of deviation from the truth in the course of that examination. In the fifth place, a study of the photographs of the debris of the plane, to which we have referred, revealed, in the opinion of the expert making that study, no condition which suggested a variance from Powers' account of what had transpired. In his report this expert said, in part, 'I was able to correlate all of Powers' statements with our studies of the photographs, our knowledge of the

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aerodynamic characteristics of the aircraft, and experience in flight test with all the miscellaneous gear involved in attempting an escape from the cockpit as he described."

The Board noted the testimony of Russian witnesses at the trial in Moscow, which dealt with the descent and capture of Powers and with technical features of the plane and the incident. This testimony was consistent with the account given by Powers.

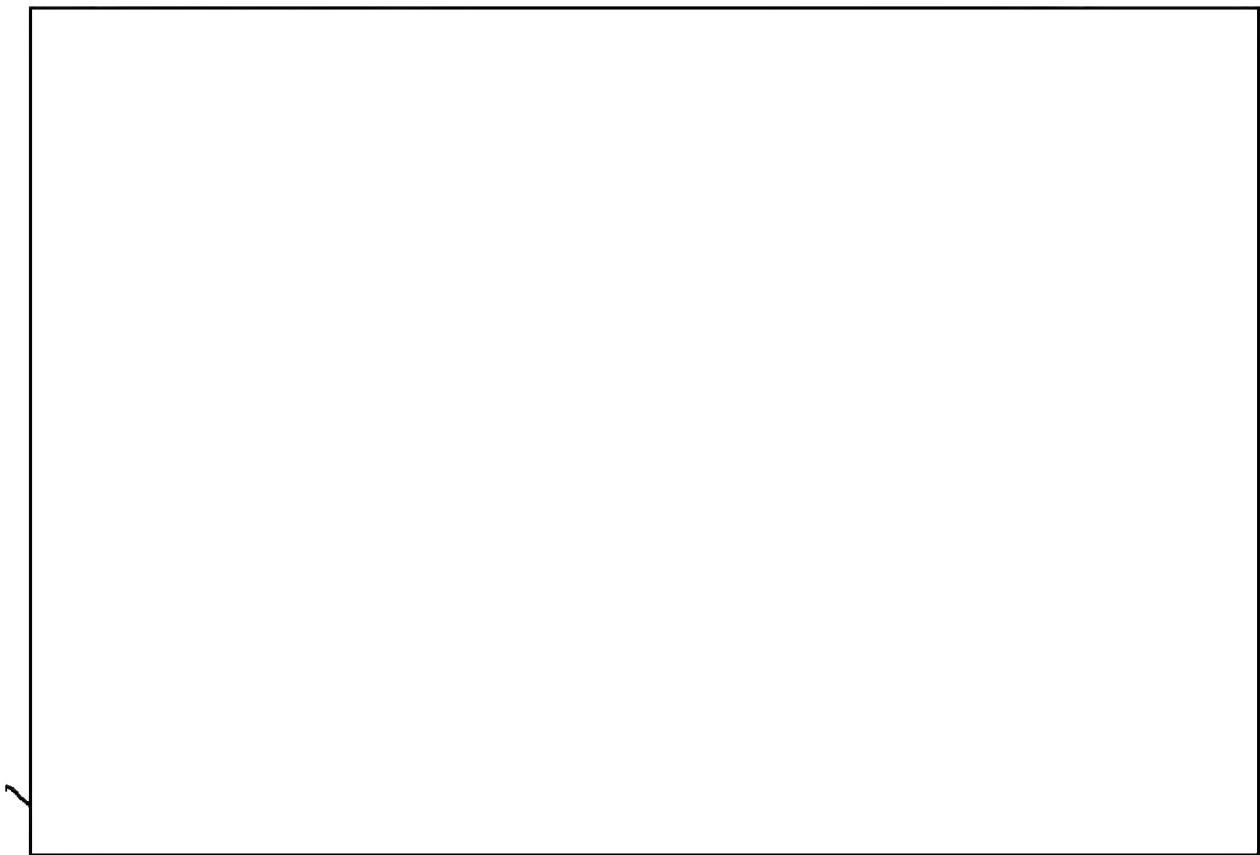
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It is the conclusion of the Board that the evidence establishes
overwhelmingly that Powers' account was a truthful account.

The nature of Powers' obligation to conceal or reveal information in the event of his capture is part of the consideration of his obligation under the contract and also as an American citizen. These obligations are clearly and indisputably established by the record, particularly by the written document known as Operations Policy Letter No. 6. This was a set of instructions

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issued by higher authority to detachment commanders to be used as a guide in briefing pilots engaged in the U-2 venture. The testimony established that Powers' detachment commander followed closely this letter in briefing him preparatory to this flight. A copy of this letter is attached as Attachment C. It contains, among other provisions, the following:

'Conduct and Procedures in Event of Capture:

'If evasion is not feasible and capture appears imminent, pilots should surrender without resistance and adopt a cooperative attitude toward their captors.

'At all times while in the custody of their captors, pilots will conduct themselves with dignity and maintain a respectful attitude toward their superiors.

"Pilots will be instructed that they are perfectly free to tell the full truth about their mission with the exception of certain specifications of the aircraft.

They will be advised to represent themselves as civilians, to admit previous Air Force affiliation, to admit current CIA employment, and to make no attempt to deny the nature of their mission. They will be instructed,

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Such briefing should safeguard pilots from extreme treatment by permitting them the greatest possible latitude in responding to interrogations."

The Board is of the opinion that Powers' conduct as described by him and as shown at the trial, was in accordance with the foregoing statement of policy.

The nature of Powers' obligation in respect to the poison needle which was in his possession throughout this flight is part of the consideration of his obligation under his contract and as an American citizen. Powers was not instructed to use this needle. On the contrary, he was offered it as an optional item of equipment. He accepted it in contemplation of the possibility that he would be tortured if he were captured and that he might then prefer the use of this needle to the destruction of his own power to resist. He was given to understand, quite clearly, that any use by him of the needle was entirely optional with him.

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The nature of Powers' obligation in respect to his conduct and statements during the course of his trial in Moscow is part of the consideration of his obligation under his contract and as an American citizen. The only phases of this conduct which merit comment are his plea of guilty and his final statement to the court which indicated the following: "I plead to the court to judge me not as an enemy but as a human being who is not a personal enemy of the Russian people, who has never had any charges brought against him in any court, and who is deeply repentant and profoundly sorry for what he has done." The Board regards the plea of guilty with no significance since this is generally a matter of trial tactics. Nor does the Board consider of special significance Powers' statement that he was "deeply repentant and profoundly sorry" for what he had done. This was a personal statement by him and should be judged in the light of the situation in which he then found himself.

The nature of Powers' obligation in respect to destroying the plane or its equipment is part of the consideration of his obligation under his contract and as an American citizen. Powers described in minute detail each step that he took between the time the plane began to fall and the time that he left the airplane with

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his parachute, including his efforts to operate the destruct mechanism. All of these events transpired after the plane had gone into an inverted spin and was falling. Several experienced Air Force officers testified before the Board and they were unanimous in their views that Powers' efforts to operate the destructor mechanism were reasonable under the circumstances at the moment, that his conduct was not to be censured or deemed to be in violation of his obligation.

The contract between Powers and the Agency, which was in effect at the time of this incident, was a formal written document. Besides other matters it contained an escalator provision as to pay. It provided the term of the contract and included this provision: "Except that it may be terminated by the Agency at any time prior thereto for cause based on medical or incapacitating reasons, including lack or loss of personal proficiency, misconduct or willful failure to follow instructions, abandonment of obligations under this agreement, or discontinuance of the activities on a date more than 90 days prior to the termination of this agreement." The question of whether Powers "acted in accordance with the terms of his employment instructions and

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briefings thereto" is to be answered in the light of the foregoing specification of bases upon which the contract might be terminated by the Agency.

The Board explored the possibility that Powers' account of what happened to the U-2 might have been induced by hypnosis, drugs, or other similar treatment. An outstanding expert in this area of interest was called and testified. The testimony of this witness eliminated this possibility.

Throughout its study the Board has had the utmost cooperation on the part of all components of the Agency and representatives of other agencies of the Government which have been concerned in the matter. All witnesses which the Board desired to hear were made available. The Secretary of the Board arranged for ample facilities and equipment for the use of the Board.

It is the conclusion of the Board, upon the basis of the evidence presented to it, which we have briefly described and which is on file with the General Counsel of the Agency, that throughout this incident Powers acted in accordance with the terms of his employment and instructions and briefings pursuant thereto, and that he complied with his obligations as an American

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citizen during this same period.

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ATTACHMENT B

EXHIBITS

Exhibit # 1	Operations Policy Letter No. 6	
Exhibit # 2	Memorandum for the Record (Re: Powers' Initial Interview)	
Exhibit # 3	Report of Interview with Powers	
Exhibit # 4	Memorandum for the Record (Understanding of Conditions - Powers)	
Exhibit # 5	Memorandum of Understanding (With Powers)	
Exhibit # 6	Memorandum for the Record (Re: Exam at [redacted])	25X1
Exhibit # 7	Powers' Contract	
Exhibit # 8	Powers' Second Contract	
Exhibit # 9	Powers' Third Contract	
Exhibit #10	Powers' Personal History Statement	
Exhibit #11	Memorandum for Staging Personnel (Re: Security Instructions)	
Exhibit #12	Evaluation of [redacted]	25X1
Exhibit #13	Agency E&E Training for Francis Gary Powers	
Exhibit #14	Summary of Operational Activities	
Exhibit #15	Dispatch of [redacted] Summary	25X1
Exhibit #16 - a, b, c	JN Jet Navigational Charts (3)	
Exhibit #17	Cable from [redacted] to the Director	25X1
Exhibit #18	Photograph of U-2 Wreckage - Gorki Park	
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